THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 16th October, 2006

W.P.No.5246 of 2003

Between:

Boddu Venkatramana … Petitioner

and

The District Collector, Visakhapatnam
and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.5246 of 2003

ORAL ORDER:

It seems, by way of a notification, applications were invited for filling up of the vacancy of fair price shop dealer for Depot No.3 of Agency Lakshmipuram, Golugonda Mandal of Visakhapatnam District. Petitioner, 4th respondent and others applied for the same. Interviews were conducted on 26-11-2002 and the 4th respondent was selected and was appointed as a fair price shop dealer by Proceedings dated 3-12-2001 of the 3rd respondent. Aggrieved by the same, petitioner preferred an appeal before the 2nd respondent, but the same was dismissed on 19-1-2002. Challenging the same, the petitioner filed a revision before the 1st respondent-District Collector, but the same was also dismissed on 9-12-2002. Assailing the said Orders, the present Writ Petition is filed.

There is no necessity of going into all the details. It is suffice to notice the Order passed by the District Collector, Visakhapatnam, which reads as under:

> "I have perused the connected records and heard the arguments of the Advocate for the Revision Petitioner and the respondent. The minimum qualification prescribed for appointment of F.P. Shop Dealer is a pass in 10th class. The revision petitioner and the respondent No.2 are both qualified to the extent of minimum qualification. Higher qualification will not count any preference. The vacancy of F.P. shop arise consequent on the resignation of the wife of revision petitioner on getting a teacher job, which is a better income opportunity to the family. There is no point in pressing for the appointment by revision petitioner for the F.P. shop, which is vacated

by his wife. It is the discretionary power of the Revenue Divisional Officer, Narsipatnam to appoint any qualified candidate. I do not find any reason to interfere with the Orders of the Revenue Divisional Officer, which were upheld by the Joint Collector, Visakhapatnam in Proceedings in A.C.No.17/2001/CSR7 dated 19-1-2002. The Revision Petition is accordingly dismissed."

From the above, it is clear that the wife of the petitioner was the fair price shop dealer and subsequently she was appointed as a Teacher. Therefore, when the said vacancy was notified, petitioner also applied for the same and participated in the interview. It seems, 4th respondent was selected on the basis of merit. However, it is the case of the petitioner that he is a Graduate and is financially sound and also has experience in running the fair price shop; whereas, the 4th respondent passed only X Class and aged about 23 years and had no experience in fair price shop business. The said contention was not accepted by all the authorities. In the facts and circumstances of the case, I am of the opinion that the authorities have not committed any error in passing the impugned Orders calling for interference of this Court under Article 226 of the Constitution of India. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

16-10-2006

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